

**DULUTH AMERICAN INDIAN
COMMISSION MEETING
Monday, December 17, 2007 - 5:00 p.m.
Room 402 City Hall**

Members Present: Dr. Robert Powless, Donna Ennis, Tony LaDeaux, Michele Gordon, Ricky DeFoe, John Day, Joy Dorscher, Warner Wirta

Excused Absent: Beatrice Kitto

Absent: Mike Sayers

Staff present: Char Hanson, Katie Nickolay, David Holbeck

Others present: See sign-in sheets

CALL TO ORDER, APPROVAL OF AGENDA AND INTRODUCTIONS:

**Motion by Dr. R. Powless, seconded by T. LaDeaux, to approve the agenda.
The motion was approved unanimously.**

**REVIEW AND APPROVAL OF MINUTES FROM THE NOVEMBER 19, 2007
MEETING:**

**Motion by Dr. R. Powless, seconded by J. Day, to approve the minutes.
The motion was approved unanimously.**

COMMUNITY PUBLIC FORUM / OPEN PUBLIC COMMENT PERIOD:

Chief Gordon Ramsay - Ramsay talked about statistics regarding crime and American Indians. In the report the number of victims was listed by month and year by race. These represented all crimes. Police have hired an American Indian male and Asian female starting as entry level police officers. LaDeaux asked if this included domestic cases. Ramsay said it did. Numbers go straight down and the suspects could be multiple so there may be more than one suspect per victim. In felony cases, states pursue the charges. Relationships do not matter; charges will be filed if perpetrators are family or friends as well. If victims refuse to testify, the case may not go to court unless there is other corroborating evidence. Then there is nothing to present to the court. Dr. Powless asked if there was comparable information from the Twin Cities. Ramsay will check. Dorscher asked if all victims were to be included, what would be the bottom line be? Ramsay will get back to DAIC with that information. Wirta was concerned about there being no evidence in the Jeanie Smith/ Mike Love case. Wirta inquired about Jeremy Bauman. Ramsay examined his criminal record and said that his criminal record went back to the late 90s. Wirta expressed his fear about this case

being unsolved and the perpetrator being out in the community. Thanks to Ramsay for coming.

Brad Clifford- North Star Community Development Corporation - Clifford talked about a strategy to revitalize North Star with new funding sources, sources previously were CDBG.

Native American Business Enterprise Center was talked about being tied in with the YMCA project. He can be contacted at bnclifford@gmail.com or 525-2759. He is looking for support on this project; the project will also need a Board. He is hoping for leadership from DAIC. He has the in-kind cash resources for scholarships for Native students who are small business owners or looking to open small businesses. Even if the grant is not received, the network should have strategies developed for future money. He has talked to Jason S., David Glass, Linda Grover and other community members who are interested in working towards this goal. Dr. Powless suggested voting in support of this effort.

Motion by John Day, seconded by Ricky Defoe, to approve support to start a board for this Community Development Corporation.

Donna and Brad will work on the letter of support together. (It was suggested that Donna Ennis should write a letter to be signed by DAIC chairs.)

St. Louis County Attorney - Melanie Ford - Melanie Ford came to do a question and answer. Dr. Powless asked what happens to material is sent to the County Attorney's office by Duluth Police and the attorney's office decides there is not enough material to go forward with the case, is it possible to bring the case forward in the future? Ford, if there is new evidence, things are figured out, or facts are solidified, yes. The burden is to prove to the judge that there is probable cause to bring a case against a person. Although for certain offenses there is a statute of limitations in which cases can no longer go forward. DeFoe asked about "half justices" where minorities are prosecuted more for crimes against Caucasians than Caucasians are prosecuted/convicted for crimes against minorities and pre-meditated crimes. DeFoe was referring to the Buckanaga case and that half justices are no justice to anyone. This talks about the history of mistrust with the attorney's office. Ford said a policy of her office is that victims and perpetrators are not talked about by race but that people are prosecuted and brought to charge regardless of race. DeFoe questioned this idea. Ford said whoever has the authority does the investigating and there are no outside private investigators and then attorneys work with police to corroborate. DeFoe talked about community seeing attorneys pointing fingers at police who do the same back and then in the meantime, Indian cases go on unsolved. Ford said to call her office if there are any questions - 726-2323. Day talked about the perception in the Indian community about unequal treatment and unequal justice of Native people. He talked about how this is based in fact by talking about past cases. He talked of a case where five people, four native and one white were sent to jail on a crime. The white person was released

on probation while the Native people had to stay in prison. Ford said stats are starting to be compiled on crimes such as this. She talked about how this is at the discretion of a judge. Defendants have right to an impartial jury trial now, which differs from before. Criminal history, severity of the crime committed and other factors come into play in sentencing. The community has the right to give an impact statement that can be read at the sentencing or could be read to the judge. It is important for people (judges, juries) who are deciding the sentence to know and have impact information. LaDeaux, talked about the racial atmosphere when it comes to justice and how the "Aztec Circles" program shows how trust needs to be developed. He believes development of trust is doable. He talked about an open case that the County Attorney's office refused to press forward while Duluth Police Chief Ramsay wanted to press forward on. Perceptions of closed doors on one side and racial issues were mentioned. Ford said she requires all her staff to do training on diversity, culture, and racism and she is committed to keeping up with these trainings. She said there is an open position for a part time description witness position and they are looking for minority applicants. Powless said that Ford was present at career day for Grant school and other community events; he felt this is a step in the right direction. Ford said to keep invitations to such events coming. Ennis asked if Ford would give description of job to City Staff so they could pass it on to the DAIC. Dorscher brought up comment about how different attorneys see/prosecute cases differently and how in medicine people can get second opinions. Ford said cases can have a second look if sent back by policy to look at case again. Dorscher asked how juries are instructed to be impartial and asked what Ford thought about judges and their ability to look past skin color in jail sentences. Dorscher expressed feelings of hopelessness. Ford said juries are given no instruction about how to be impartial when it comes to race. She explained how jurors are questioned by judges and how that decides who is a juror in cases or not. When the trial is over, the judge will instruct the jury that they need to be impartial. Ford has never heard of any of the judges in the district that are known to be racist. Five credits in ethics and bias are required for judges to get every three years. Public question about attorneys - public defender versus paid attorneys and how people with public defenders are more likely to lose their case in court. He wished judges could see these attorneys as equals. Ford suggested inviting the public defender office representative to a meeting. Ford suggested coordinating court watchers like they have in the Twin Cities. Public, brought up a personal matter that no action was taken on. Ford will check into it and get back to him. Ennis has a question about the project with Tom Roy- this is about the juvenile system. He is head of the adult probation division. DeFoe brought up the incidence of hate crimes. Ford said sentencing is usually longer for hate crimes. Dorscher brought up the Buckanaga case. Ford said she can go back and look at the case herself. DeFoe said the daughters had not had their meeting to talk about the case with officer Shene because of some illnesses in their families. DAIC thanked Ford for talking.

OLD BUSINESS:

Commission Liaison with the Children's Justice Initiative (CJI) – Tony LaDeaux said the meeting went well. Terry Smith, Community Action - Duluth member and a

number of other Native people were present. He said the outlook for youth is not good with most of them in survival mode. He talked about people wanting to get on SSI and needing diagnosis to get this. This gives them labels that put them at a disadvantage. He called for more action to be taken to help these kids out. He wanted to see more support from casinos profits. Dr. Powless said he agreed with LaDeaux. Dr. Powless said when the Indian Center (YWCA) opens up, there will be a rare opportunity to deal with youth who are going through problems where action will actually be taken. He said the opening of the Indian Center will help them to stay on top of it. Public Ron is asking that he go down and talk with Indian youth as a connection to steer them in the right direction. Ramsay said he should see about getting paid a stipend because other chaplains get money for doing this type of work. This would pay for his travel and time. They also want to avoid Tokenism. Day thought this would not be the case with Ron because he is well respected in the community and he was knowledgeable about Indian ceremonies. Ennis said CJI is on the schedule for February.

Review / Discussion of the letter regarding future plans for Spirit Mountain –

Warner Wirta said the newspaper published the letter he had written about Spirit Mountain. He said before a subcommittee is suggested, DAIC should invite the director of Spirit Mountain to talk about what they are doing and then DAIC should go from there. Wirta said we need to be careful so Spirit Mountain does not turn into a carnival. Dr. Powless suggested that Wirta and a person from Fond du Lac Reservation go and see the Spirit Mountain director and talk about the letter and give them a personal invitation to come to one of the DAIC meetings. Ennis suggested the director attend the February 25th meeting because DAIC natural environment issues is on the agenda. The Director of Spirit Mountain is Renee Matson.

Update Education and Racism Summit Planning - Tony LaDeaux said they are planning for a summit in March but have not set a date yet. At meeting regarding the Summit will be at East High School tomorrow at 4:30-5:00 p.m. Cruz Mendoza is a strong advocate for kids of color. LaDeaux said they are ready to step outside the district to get more attention and that they have not given up. Dr. Powless said he was fed up with nothing happening with the RCA initiative. He talked about talking at Central and East to about 200+ students who seemed very receptive. He was amazed about how much the students do not know about Indians and their culture in the community. He is talking at Denfeld tomorrow. A total of 300-350 students will be informed about Fond Du Lac and Native people. LaDeaux talked about the toxic racial atmosphere.

Revised DAIC 2008 Work Plan and Schedule – Revised schedule was given to DAIC. Ennis talked about the tentative schedule and what will be happening in 2008. DAIC will meet 12 months a year. Dr. Powless suggested DAIC should talk to Keith Hamre about how important John Judd is to the DAIC meetings. Dorscher said DAIC should write letters individually to the new mayor about being pleased with support from John Judd, Keith Hamre and Bob Bruce and how important the commission is to the community in providing a voice where there really is none.

Motion by Dr. R. Powless, seconded by R. DeFoe, to approve the 2008 work plan and schedule. Motion was unanimously approved.

NEW BUSINESS:

Update on the Dec. 13, meeting of the Urban Indian Advisory Board at the Central Hillside Community Center – John Day said they met last Thursday and it was well attended. They talked about increasing funds to higher education State Indian fund scholarships. Mayor Ness, Commissioner O'Neill were invited to attend. Ness could not attend but Day will be talking with Ness later on. Day said his fellow board members were impressed with the turnout. Dr. Powless talked about the DAIC at the meeting. Day talked about the high price it cost and difficulty of meeting at certain spots. Day said Native community really needs its own American Indian center where they are free to light tobacco, do a pipe ceremony, smudge, etc. Day said he would rather give his high amounts of money to the American Indian center and be able to do the pipe ceremony there. Dr. Powless said the meeting went well and it was well run by Day. He also brought up four additional items: 1) Veteran signs on Biaswah Bridge, Stark is trying to get the city to pay for the whole thing, but it will get done even if the city does not pay for it in full with help from area Vets. 2) Need to establish an Independent citizen's police review board. 3) Spirit Mountain development. 4) RCA initiative with District 709. Wirta brought up the issue of barrels in Lake Superior and the Indian Affairs Commission passed a motion that the barrels need to be removed.

Discussion of DAIC meeting attendance records and applications to fill expiring and expired terms on the Commission - Ennis proposed to table the discussion. Dr. Powless said DAIC could let things ride until the new mayor has settled in. Dr. Powless said the people who have missed many meetings should be dropped. He said that Sanchez-Tibbetts and others would like to serve on the Commission. Dr. Powless said the Commission will need new bodies to begin serving. Ennis read absentee article from the by-laws. If any member fails to attend three consecutive regular meetings, they could be replaced. Day had a suggestion of filling positions that are up and also put applications for people who are on the board. People can reapply. DeFoe said the Reader had an ad for new members. Ennis said there are a few commissioners that have served two or three consecutive terms, the by-laws say that is all they can serve. This will be brought up at the meeting next month. Maybe the by-laws change so three consecutive terms would be allowed to be served, each term is three years.

Formation of a Nominations Committee for DAIC officers for 2008 - Ennis said current officers are Gordon, Dorscher, and Ennis. J. Day has been the chair of this in the past and he will send out a notice that DAIC is accepting nominations. Ennis and Gordon will be on the nominations committee with Day.

ANNOUNCEMENTS, UPCOMING EVENTS AND COMMENTS FROM COMMISSION MEMBERS:

Dorscher talked about the UMD Medical School faculty group that reaches out to develop Native health care providers. She talked about a leader in this group who has passed on recently. She also asked for prayers for her mother who is very ill. Dorscher said she wanted to add to the agenda Rose Hoen, Wirta had asked to give her a letter of commendation. Hoen assisted a woman who came to Duluth and needed help. Dorscher read a draft of a letter of recognition for Rose Hoen for providing service to a vulnerable Native woman.

Powless told a story about smudging. He talked about how people are ignorant about Indian ways. He stressed the importance of Indian education and the higher incidence rates of home schooling that would help Indian kids get the best education they can get.

Wirta summed up by thanking Dorscher for coming up with the letter for Rose Hoen. He also said that a newly elected City Counselor, Jay Fosle, is a member of the Red Cliff Band and he can be a tremendous ally for the DAIC. John Donahue is also a person who is important.

Hanson said she was happy to be here today and she looks forward to having an opportunity to come back.

LaDeaux talked about the Tim Buckanaga case and the injustice that he will never forget. He feels driven to do the DAIC work.

DeFoe talked about home school and his granddaughters. He talked about affecting change in the future. He talked about what he sees in school systems and he talked about the survival of Indian nationhood as being critical.

Ennis said when commission meeting falls on a holiday such as January 21st being Martin Luther King Day, the DAIC meeting is moved to the following Monday, In this case to January 28th. The same thing happens in February with Presidents day, so the DAIC meeting will be on February 25th.

NEXT MEETING/DATELOCATION:

Next meeting is January 28, 2008 at 5 p.m. in the Large Conference Room 402 City Hall

ADJOURNMENT:

Meeting adjourned at 7:30 p.m.

Motion by Dr. Powless, seconded by Joy Dorscher. The meeting adjourned.